

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul S. ROSENSTEIN {SBN 79647} 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 TEL: (415) 778-5782 FAX: (415) 778-5781 E-MAIL ADDRESS (if any): ATTORNEY FOR (Name): Roofing Constructors, Inc. dba Western Roofing Service		FOR COURT USE ONLY
MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		CASE NUMBER: CV 08 2286 JL
PLAINTIFF/PETITIONER: United States, etc. DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.		Total No. of Filings:
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): order setting initial CMC and ADR deadlines; ECF Registration handout; welcome to the U.S. District Court, SF; notice of assignment of case to a U.S. Magistrate Judge for trial
- Party served (specify name of party as shown on documents served):
Dick/Morganti/Nibbi, a Joint Venture
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Attention: Stephen F. D'Angelo
- Address where the party was served:
1900 State Route 51, Large, PA 15025
- I served the party (check proper box):
 - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nicbi, a joint venture, et al.	CV 08 2286 JL

5. a. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me (Attach: completed Notice and Acknowledgment of Receipt; (Code Civ. Proc., § 416.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. i. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 416.45 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **B. Lynn**
- b. Address: **55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375**
- c. Telephone number: **510-465-5782**
- d. The fee for service was: \$ **-0-**
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (i) Registration No.:
- (ii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

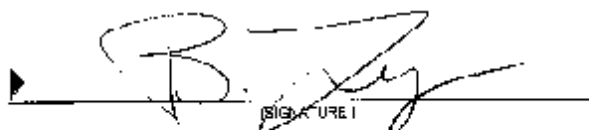
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dick/Morganti/Nilibi, a Joint Venture
By: Dick Corporation, Joint Venturer
Attention: Stephen F. D'Angelo
DICK CORPORATION
1900 State Route 51
Large, PA 15025

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Jason Coffey* ☒ Agent ☐ Addressee

B. Received by (Printed Name) *Jason Coffey* C. Date of Delivery *5/20/08*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from envelope label)

7001 0320 0002 9393 7890

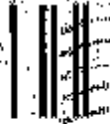
PS Form 3811, August 2001

Domestic Return Receipt

103595-02-00-10540

UNITED STATES POSTAL SERVICE

PA 15025



First-Class Mail
Postage & Fees Paid
EPA
Permit No. G-40

• Sender: Please print your name, address, and ZIP+4 in this box •

PAUL S. ROSENSTEIN, ESQ.
55 SANTA CLARA AVENUE
SUITE 250
OAKLAND, CA 94610-1375

1375

WRS



POS-010

ATTORNEY OR PARTY WITHIN IT ATTORNEY Name, State Bar number and address		FOR COURT USE ONLY
Paul S. Rosenstern {SBN 79647} 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1373 TELEPHONE NO: 510-463-3782 FAX NO./Delivered: 510-452-4881		
E-MAIL ADDRESS (Delivered)		
ATTORNEY FOR (Name): Roofing Constructors, Inc. dba Western Roofing Service		
UNITED STATES DISTRICT COURT VALUING ADDRESS: United States District Court Northern Dist. of California CITY AND ZIP CODE: 450 Golden Gate Avenue BRANCH NAME: San Francisco, CA 94102		
PLAINT/PETITION#R: United States, etc.		CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.		CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.

(Separate proof of service is required for each party served)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
- a. ☒ summons
- b. ☒ complaint
- c. ☐ Alternative Dispute Resolution (ADR) package
- d. ☐ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ cross-complaint
- f. ☒ other (specify documents): under selling initial CMC and ADR deadlines; ECF Registration handout; "welcome to the U.S. District Court, SD", notice of assignment of case to a U.S. Magistrate Judge for trial
3. a. Party served (specify name of party as shown on documents served): Dick Corporation
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 3b on whom substituted service was made) (specify name and relationship to the party named in item 3a): Stephen F. D'Angelo, President
4. Address where the party was served
1900 State Route 51, Large, PA 15025
5. I served the party (check proper box)
- a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
- b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (2) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 4-15.2D). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER: CV 08 2286 JL
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	

5. a. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): **May 16, 2008** (2) from (city): **Oakland, CA**
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 416.40.)
- d. ☐ by other means (specify means of service and authorizing code section).

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (or the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify).
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **B. Lynn**
- b. Address: **55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375**
- c. Telephone number: **510-465-5782**
- d. The fee for service was: **\$ -0-**
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner: ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:


8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **May 16, 2008**

B. Lynn

NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL

B. Lynn 
SIGNATURE

UNITED STATES POSTAL SERVICE

20 MAY 2008 PM 6:11

First-Class Mail
Postage & Fees Paid
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

PAUL S. ROSENSTEIN, ESQ.
35 SANTA CLARA AVENUE
SUITE 250
OAKLAND, CA 94610-1375

WRS

4375



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stephan F. D'Angelo, President
Dick Corporation
1900 State Route 51
Large, PA 15025

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
x *John Laffer* ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *Jason Laffer* C. Date of Delivery *5/20/08*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 1160 0002 9827 6646

PS Form 3811, August 2001

Domestic Return Receipt

102593-02-14-1540

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
Paul S. Rosenstein (SDN 79647) 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1175 TELEPHONE: 510-465-5787 FAX: NO TELEPHONE 510-452-4881 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Roofing Constructors, Inc. d/b/a Western Roofing Service			
MAILING ADDRESS: United States District Court Northern Dist. of California CITY AND ZIP CODE: 450 Golden Gate Avenue SAN FRANCISCO, CA 94102 BRANCH NAME:			
PLAINTIFF/PETITIONER: United States, etc. DEFENDANT/RESPONDENT: Dick/Morgan/Nibbi, a joint venture, et al.		CASE NUMBER: CV 08 2286 JL	
PROOF OF SERVICE OF SUMMONS		Not to be filled.	

(Separate proof of service is required for each party served.)

1. A: the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
- a. ☒ summons
- b. ☒ complaint
- c. ☐ Alternative Dispute Resolution (ADR) package
- d. ☐ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ cross-complaint
- f. ☒ other (specify documents): order setting initial CMC and ADR deadlines; ECF Registration handout; "Welcome to the U.S. District Court, SF", notice of assignment of case to a U.S. Magistrate Judge for trial.
3. a. Party served (specify name of party as shown on documents served): Morganti Texas, Inc.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 3b on whom substituted service was made) (specify name and relationship to the party named in item 3a): Ron Brookfield, Senior Vice President, President
4. Address where the party was served: 350 North Sam Houston Parkway E., Suite 121, Houston, TX 77060-3306
5. I served the party (check proper box):
- a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
- b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person, at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 413.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PROOF OF SERVICE OF SUMMONS

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER: CV 08 2286 JL
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached

6. The "Notice to the Person Served" (on the summons) was completed as follows

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.33 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: B. Lynn
- b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
- c. Telephone number: 510-465-5782
- d. The fee for service was: \$-0-
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mail piece, or on the front if space permits.</p>		<p>A. Signature <i>* Bobby G. Rutherford *</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) BOBBY G. RUTHERFORD</p> <p>C. Date of Delivery 5-19-08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below.</p>	
<p>1. Article Addressed to:</p> <p>Ron Brockfield, Senior Vice President Morgant, Texas, Inc. 350 North Sam Houston Parkway E. Suite 121 Houston, TX 77060-2306</p>		<p>3. Service type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7005 1160 0002 9827 6770</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt</p>	

UNITED STATES POSTAL SERVICE	
<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>	
<p>• Sender, Please print your name, address, and ZIP+4 in this box •</p> <p>PAUL S. ROSENSTEIN, ESQ. 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375</p>	



Attorney or Party without Attorney: PAUL ROSENSTEIN PAUL ROSENSTEIN 35 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375		Telephone No.: (510) 465-5782 Bar #79647		For Court Use Only	
Attorney for: Plaintiff		Ref. No. or File No.:			
Court name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California					
Plaintiff: UNITED STATES Defendant: NIBBI BROS., INC., ET AL.					
PROOF OF SERVICE (Summons And Complaint)		Hearing Date:	Time:	Dept/Div:	Case Number: CV 08 2286 JL

- At the time of service I was at least 18 Years of age and not a party to this action.*
- I served copies of the:*
 Summons And Complaint; Order Setting Initial Case Management Conference And ADR Deadlines; "welcome To The U.S. district Court, San Francisco"; Ecf Registration Information Handout
- a. Party Served:* **NIBBI BROS., INC. (Defendant)**
- b. Person Served:* **SAM "DOE", EMPLOYEE PHYSICAL DESCRIPTION AS FOLLOWS: W.M.55,S/P,5'10,200**
- Address where the party was served:* **180 HUBBELL ST.
SAN FRANCISCO, CA**
- I served the party:*
b. by substituted service on: Fri, May. 23, 2008 at: 6:50PM I left the documents listed in item 2 with or in the presence of:
SAM "DOE", EMPLOYEE PHYSICAL DESCRIPTION AS FOLLOWS: W.M.55,S/P,5'10,200
- (1) (business) Person in Charge over 18. I informed him or her of the general nature of the papers.
 (4) I thereafter mailed (by first-class, postage prepaid), copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., 415.20). I mailed the documents on: Tue, May. 27, 2008 from: Hayward CA.
- i. The "Notice to the Person Served" (on the Summons) was completed as follows:*
c. on behalf of: **NIBBI BROS., INC.** Under CCP 416.10 (corporation)
- 7. Person who served the papers:*
a. TOM MIRANDA
b. WAKEMAN PROCESS SERVICE INC.
 22283 Main Street
 Hayward, CA 94541
c. (510) 886-7667
- d. The Fee for service was:* \$50.00
e. I am: (3) Registered California process server.
 (i) Independent Contractor
 (ii) Registration No.: 1036
 (iii) County: ALAMEDA
 (iv) Expiration: Jul. 28, 2008
- 8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: May. 27, 2008
 Judicial Council Form POS-010
 State of California Revised Jan. 01, 2007

PROOF OF SERVICE

(TOM MIRANDA)

ROSEN, J. 2014

POS-010

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address). Paul S. Rosenstein (SBN 79647) 53 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 TELEPHONE NO. 510-465-5782 FAX NO. (optional) 510-452-4881 E-MAIL ADDRESS (optional): ATTORNEY FOR (name): Roofing Constructors, Inc. dba Western Roofing Service MAILING ADDRESS: United States District Court: Northern Dist. of California 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 LOCATION NAME:	FOR COURT USE ONLY
PLAINTIFF/PETITIONER: United States, etc. DEFENDANT/RESPONDENT: Dick/Morganti/Nihhi, a joint venture, et al.	CASE NUMBER: CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): order setting initial CMC and ADR deadlines; UCF Registration handout; "welcome to the U.S. District Court, SF", notice of assignment of case to a U.S. Magistrate Judge for trial
- Party served (specify name of party as shown on documents served): American Casualty Company of Reading, Pennsylvania
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a): Stephen W. Lilienthal, President
- Address where the party was served:
333 S. Wabash Avenue, Chicago, IL 60604
- I served the party (check proper box)
 - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date), from (city), or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dink/Morganiti/Nihbi, a joint venture, et al.	CV 08 2286 JL

5. a. ☒ by mail and acknowledgment of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.32.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.35 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.45 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers:

- a. Name: B. Lynn
- b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
- c. Telephone number: 510-466-5782
- d. The fee for service was: \$ 0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

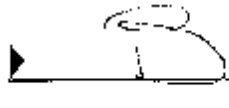
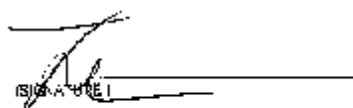
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008


B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, print delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>Stephen W. Lilienthal, President American Casualty Company of Reading, Pennsylvania 333 S. Wabash Avenue Chicago, IL 60604</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7005 1110 0002 7827 6653</p>	

PS Form 3811, August 2001 Domestic Return Receipt 102665-02-M-1590

UNITED STATES POSTAL SERVICE		<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>
<p>* Sender: Please print your name, address, and ZIP+4 in this box *</p> <p>PAUL S. ROSENSTEIN, ESQ. 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375</p>		



POS-010

ATTORNEY OR PARTY-IN-THAT ATTORNEY (Name, State Bar number, and address): Paul S. Rosenstein {SBN 79647} 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 TELEPHONE NO.: 510-465-5782 FAX NO. (optional): 510-452-4881 E-MAIL ADDRESS (optional): ATTORNEY FOR (Name): Roofing Constructors, Inc. dba Western Roofing Service		FOR COURT USE ONLY
MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		UNITED STATES DISTRICT COURT: Northern Dist. of California 450 Golden Gate Avenue San Francisco, CA 94102
PLAINTIFF/PETITIONER: United States, et al. DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint ventures, et al.		CASE NUMBER: CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): order setting initial CMC and ADR deadlines; ECF Registration handout; "welcome to the U.S. District Court, SF", notice of assignment of case to U.S. Magistrate Judge for Trial
- Party served (specify name of party as shown on documents served): Continental Casualty Company
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a): Stephen W. Liffenthal, President
- Address where the party was served:
333 S. Wabash Avenue, Chicago, IL 60604
- I served the party (check proper box)
 - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 416.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	CV 08 2286 JL

5. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.25 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: B. Lynn
- b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
- c. Telephone number: 510-465-5782
- d. The fee for service was: \$ 40-
- e. I am,

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

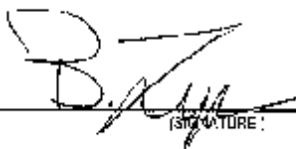
or


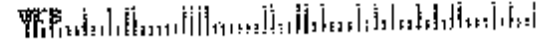
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

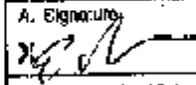
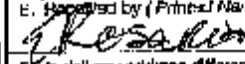
Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS, SHERIFF OR MARSHAL)


(SIGNATURE)

UNITED STATES POSTAL SERVICE		First-Class Mail Postage & Fees Paid USPS Permit No. G-10
<p>• Sender: Please print your name, address, and ZIP+4 in this box •</p> <p>PAUL S. ROSENSTEIN, ESQ. 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375</p>		
<p>2.</p> <p>PS </p>		

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p>E. Received by (Printed Name) </p> <p>G. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>Stephen W. Lilienthal, President Continental Casualty Company 333 S. Wabash Avenue Chicago IL 60604</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
		<p>H. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>I. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7305 3160 0002 5827 6677</p>	

PS Form 3811, August 2001

Domestic Return Receipt

168205 ps M-1510

POS-01C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):		FOR COURT USE ONLY
Paul S. Rosenstair (SBN 75647) 35 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 TELEPHONE NO.: 510-465-3782 FAX NO. (optional): 510-462-4881 E-MAIL ADDRESS (optional): ATTORNEY FOR (Name): Roofing Constructors, Inc. dba Western Roofing Service		
MAILING ADDRESS: United States District Court Northern Dist. of California 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
PLAINTIFF/PETITIONER: United States, etc.		CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.		CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		Ref. No. or Fil. No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): order setting initial CMC and ADR deadlines; ECF Registration handout; "welcome to the U.S. District Court, SF", notice of assignment of case to a U.S. Magistrate Judge for trial
- Party served (specify name of party as shown on documents served):
National Union Fire Insurance Company of Pittsburgh, PA
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 3b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
John Q. Doyle, President
- Address where the party was served:
175 Water Street, New York, NY 10038
- I served the party (check proper box)
 - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINT/PETITIONER: United States, etc.	CASE NUMBER: CV 08 2286 JL
DEFENDANT/RESPONDENT: Dick/Morganli/Nibbi, a joint venture, et al.	

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (or the summons) was completed as follows.

- a. ☐ as an individual defendant.
- b. ☐ as the person owed under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 416.45 (occupant) |
| | <input type="checkbox"/> other |

7. Person who served papers

- a. Name: B. Lynn
- b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
- c. Telephone number: 510-465-5782
- d. The fee for service was \$ 0-
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22252(b).
- (3) ☐ a registered California process server
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

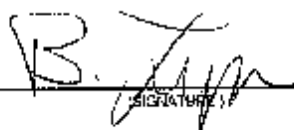
or

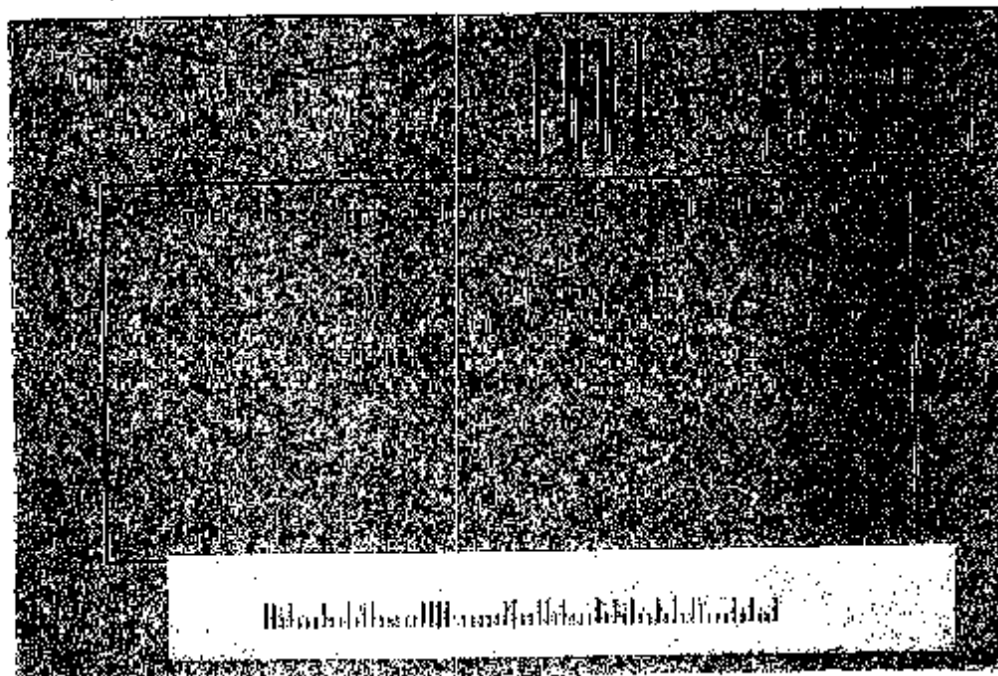
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


SIGNATURE



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>John Q. Doyle, President National Union Fire Insurance Company of Pittsburgh, PA 175 Water Street New York, NY 10038</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	